

### REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of July 19, 2006 (hereinafter "Office Action"). Applicants especially appreciate the Examiner not making this Office Action final. In response, Applicants have amended independent Claims 1, 12, and 24 to clarify that the first recipient related information is personal date information associated with the recipient. Applicants respectfully submit that the cited references, either alone or in combination, do not disclose or suggest all of the recitations of the pending independent claims. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claims 1, 12, and 24 are Patentable**

Independent Claims 1, 12, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No.6,044,275 to Boltz et al. (hereinafter "Boltz") in view of U. S. Patent Publication No. 2002/0197995 to Starkovich et al. (hereinafter "Starkovich") and further in view of U. S. patent No. 6,625,460 to Patil (hereinafter "Patil"). As discussed above, Applicants have amended independent Claims 1, 12, and 24 to clarify that the date information associated with the recipient is personal date information associated with the recipient.

Independent Claim 1, as amended, recites, in part:

retrieving date information from an electronic date determination unit;  
retrieving first recipient related information from an electronic contact register, the first recipient related information being personal date information associated with the recipient; and

automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the first recipient related information. (Emphasis added).

Independent Claims 12 and 24 include similar recitations. As highlighted above, some embodiments of the present invention may allow more simplified sending of personal messages, such as birthday greetings, to specific recipients. By retrieving personal date information associated with a recipient from an electronic contact register, a message may be differentiated

so that the recipient may feel that he/she is getting special attention, while limiting the effort that a sender puts in to create such a message.

The Office Action acknowledges that Boltz does not disclose or suggest "retrieving first recipient related information from an electronic contact register, the first recipient related information being date information associated with the recipient, and sending the message based on date information and recipient information." (Office Action, page 2). The Office Action maintains, however, that Starkovich provides all the missing teachings with the exception of the recipient related information being retrieved from an electronic contact register, which is alleged to be provided by Patil. (Office Action, page 3).

Turning first to Starkovich, this reference describes a method and apparatus for transmitting time sensitive information, such as press releases. (Starkovich, paragraph 2). According to Starkovich, a user may create a message and transmit it later according to a user defined event. The event may be a specified time and/or date to allow the user to transmit time-sensitive information at that point in time. (Starkovich, paragraph 24). The Office Action alleges that there is an association between the user specified time and/or date and the recipient because the message is pre-configured to be sent to a recipient at the user specified time and/or date. (Office Action, pages 2 – 3). Thus, according to the Office Action, the only association between the recipient and the date information is via the message to be transmitted to the recipient. In sharp contrast, independent Claims 1, 12, and 24 recite the date information as being personal date information associated with the recipient. The date information is therefore associated with the recipient irrespective of any message that may be created for and/or transmitted to the recipient.

Applicants further submit that Patil fails to provide the missing teachings. Patil describes sending a message addressed to recipients that are identified on a distribution list. In more detail, Patil describes using a short message (SM) program to create a distribution list of recipients, which is sent as a message to a message server 40. (Patil, col. 4, lines 38 - 55). When a user of the phone wants to send a message he/she accesses the SM program and selects an option for sending messages. (Patil, col. 4, lines 63 - 65).

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A message is then composed (Patil, col. 4, line 65 - col. 5, line 11), a distribution list is selected (Patil, col. 5, lines 11 - 13), and the message is sent to the message server 40. (Patil, col. 5, lines 13 - 15). The message server 40 sends the message to the recipients identified by the distribution list. (Patil, col. 7, lines 53 - 64). Sending of messages can be based on triggering conditions, such as time of day, elapsed time, a certain price for a commodity, a particular weather condition, etc. (Patil, col. 5, lines 15 - 31). Applicants submit, however, that nowhere does Patil appear to disclose or suggest that the triggering condition is based on date information that is personally associated with a recipient.

Because Patil describes sending a message to several recipients identified in a distribution list, it is not based at least in part on date information that is personally associated with a single recipient. For example, if the teachings of Patil were to be applied to a birthday message (the birthday being the date information associated with a single recipient), then several recipients on a distribution list would receive the same birthday message on the same day, which is clearly not desirable.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 12, and 24 are patentable over the cited references and that Claims 4 - 11 and 15 - 23 at least per the patentability of independent Claims 1, 12, and 24.

### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

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Respectfully submitted,



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